

Note:

Following this page is a copy of a very rough draft of a bill relating to the forms of municipal government for consideration at the Local Issues Task Force meeting on Friday, September 28, 2007. As you can see, this draft will need some polishing to get into final form, but it does show pretty well the substance of where this draft is going.

MUNICIPAL GOVERNMENT AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions of the Utah Municipal Code.

Highlighted Provisions:

This bill:

►

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

10-2-303, as last amended by Laws of Utah 2004, Chapter 202

10-3-504, as last amended by Laws of Utah 2004, Chapter 202

10-3-507, as last amended by Laws of Utah 2004, Chapter 202

10-3-820, as enacted by Laws of Utah 1977, Chapter 48

10-3-902, as enacted by Laws of Utah 1977, Chapter 48

ENACTS:

10-3a-101, Utah Code Annotated 1953

10-3a-102, Utah Code Annotated 1953

10-3a-103, Utah Code Annotated 1953

10-3a-104, Utah Code Annotated 1953

10-3a-201, Utah Code Annotated 1953

10-3a-202, Utah Code Annotated 1953

10-3a-203, Utah Code Annotated 1953

10-3a-204, Utah Code Annotated 1953

10-3a-301, Utah Code Annotated 1953

- 32 **10-3a-302**, Utah Code Annotated 1953
- 33 **10-3a-303**, Utah Code Annotated 1953
- 34 **10-3a-401**, Utah Code Annotated 1953
- 35 **10-3a-402**, Utah Code Annotated 1953
- 36 **10-3a-403**, Utah Code Annotated 1953
- 37 **10-3a-501**, Utah Code Annotated 1953
- 38 **10-3a-502**, Utah Code Annotated 1953
- 39 **10-3a-503**, Utah Code Annotated 1953

40 REPEALS:

- 41 **10-3-101**, as last amended by Laws of Utah 2004, Chapter 202
- 42 **10-3-102**, as enacted by Laws of Utah 1977, Chapter 48
- 43 **10-3-106**, as last amended by Laws of Utah 2004, Chapters 90 and 202
- 44 **10-3-207**, as enacted by Laws of Utah 1977, Chapter 48
- 45 **10-3-403**, as enacted by Laws of Utah 1977, Chapter 48
- 46 **10-3-404**, as enacted by Laws of Utah 1977, Chapter 48
- 47 **10-3-801**, as enacted by Laws of Utah 1977, Chapter 48
- 48 **10-3-802**, as last amended by Laws of Utah 1987, Chapter 92
- 49 **10-3-803**, as enacted by Laws of Utah 1977, Chapter 48
- 50 **10-3-804**, as last amended by Laws of Utah 1977, Chapter 39
- 51 **10-3-805**, as enacted by Laws of Utah 1977, Chapter 48
- 52 **10-3-806**, as last amended by Laws of Utah 1993, Chapter 4
- 53 **10-3-807**, as last amended by Laws of Utah 1977, Chapter 39
- 54 **10-3-808**, as last amended by Laws of Utah 2003, Chapter 292
- 55 **10-3-809**, as last amended by Laws of Utah 2003, Chapter 292
- 56 **10-3-811**, as last amended by Laws of Utah 2003, Chapter 292
- 57 **10-3-812**, as last amended by Laws of Utah 2003, Chapter 292
- 58 **10-3-813**, as enacted by Laws of Utah 1977, Chapter 48
- 59 **10-3-814**, as enacted by Laws of Utah 1977, Chapter 48
- 60 **10-3-815**, as enacted by Laws of Utah 1977, Chapter 48
- 61 **10-3-816**, as enacted by Laws of Utah 1977, Chapter 48
- 62 **10-3-817**, as enacted by Laws of Utah 1977, Chapter 48

63 **10-3-830**, as last amended by Laws of Utah 2007, Chapter 266
64 **10-3-901**, as enacted by Laws of Utah 1977, Chapter 48
65 **10-3-1201**, as enacted by Laws of Utah 1977, Chapter 48
66 **10-3-1202**, as enacted by Laws of Utah 1977, Chapter 48
67 **10-3-1203**, as last amended by Laws of Utah 2004, Chapters 202 and 371
68 **10-3-1204**, as enacted by Laws of Utah 1977, Chapter 48
69 **10-3-1205**, as enacted by Laws of Utah 1977, Chapter 48
70 **10-3-1206**, as last amended by Laws of Utah 1985, Chapter 222
71 **10-3-1207**, as enacted by Laws of Utah 1977, Chapter 48
72 **10-3-1208**, as last amended by Laws of Utah 2004, Chapter 202
73 **10-3-1210**, as enacted by Laws of Utah 1977, Chapter 48
74 **10-3-1211**, as enacted by Laws of Utah 1977, Chapter 48
75 **10-3-1212**, as last amended by Laws of Utah 2006, Chapter 14
76 **10-3-1213**, as enacted by Laws of Utah 1977, Chapter 48
77 **10-3-1214**, as enacted by Laws of Utah 1977, Chapter 48
78 **10-3-1215**, as enacted by Laws of Utah 1977, Chapter 48
79 **10-3-1216**, as last amended by Laws of Utah 1991, Chapter 54
80 **10-3-1217**, as last amended by Laws of Utah 1981, Chapter 47
81 **10-3-1218**, as repealed and reenacted by Laws of Utah 1993, Chapter 1
82 **10-3-1219**, as last amended by Laws of Utah 2004, Chapter 156
83 **10-3-1219.5**, as enacted by Laws of Utah 1979, Chapter 39
84 **10-3-1220**, as enacted by Laws of Utah 1977, Chapter 48
85 **10-3-1221**, as enacted by Laws of Utah 1977, Chapter 48
86 **10-3-1222**, as last amended by Laws of Utah 1993, Chapter 231
87 **10-3-1223**, as enacted by Laws of Utah 1977, Chapter 48
88 **10-3-1224**, as enacted by Laws of Utah 1977, Chapter 48
89 **10-3-1225**, as enacted by Laws of Utah 1977, Chapter 48
90 **10-3-1226**, as enacted by Laws of Utah 1977, Chapter 48
91 **10-3-1227**, as enacted by Laws of Utah 1977, Chapter 48
92 **10-3-1228**, as enacted by Laws of Utah 1977, Chapter 48

93

94 *Be it enacted by the Legislature of the state of Utah:*

95 Section 1. Section **10-2-303** is amended to read:

96 **10-2-303. Effect of change in class.**

97 (1) ~~[(a)]~~ If a municipality changes from one class to another:

98 ~~[(i)]~~ (a) all property, property rights, and other rights that belonged to or were vested in
99 the municipality at the time of the change shall belong to and be vested in it after the change;

100 ~~[(ii)]~~ (b) no contract, claim, or right of the municipality or demand or liability against it
101 shall be altered or affected in any way by the change;

102 ~~[(iii)]~~ (c) each ordinance, order, and resolution in force in the municipality when it
103 changes classes shall, to the extent that it is not inconsistent with law, not be affected by the
104 change and shall remain in effect until repealed or amended;

105 ~~[(iv)]~~ (d) the change shall not affect the identity of the municipality;

106 ~~[(v)]~~ (e) each municipal officer in office at the time of the change shall continue as an
107 officer until that officer's term expires and a successor is duly elected and qualified; and

108 ~~[(vi)]~~ (f) except as provided in Subsection (1)(b), the municipality maintains after the
109 change in class the same form of government that it had immediately before the change.

110 ~~[(b) (i) If a town operating under a five-member council form of government changes~~
111 ~~classes to a fifth class city, its form of government shall, upon issuance of the lieutenant~~
112 ~~governor's certificate under Section 10-2-302, change to a six-member council form.]~~

113 ~~[(ii) As soon as practicable after the change in form of government under Subsection~~
114 ~~(1)(b)(i), the governing body shall appoint a sixth council member to serve until a successor is~~
115 ~~elected at the next municipal general election at which the mayor is not subject to election.]~~

116 (2) (a) A change in class does not affect an action at law, prosecution, business, or
117 work of the municipality changing classes, and proceedings shall continue and may be
118 conducted and proceed as if no change in class had occurred.

119 (b) Notwithstanding Subsection (2)(a), if the law applicable to a municipality under the
120 new class provides the municipality a different remedy with respect to a right that it possessed
121 at the time of the change, the remedy shall be cumulative to the remedy applicable before the
122 change in class.

123 Section 2. Section **10-3-504** is amended to read:

10-3-504. Quorum defined.

[(†)] The number of members of the [governing] legislative body necessary to constitute a quorum is:

[(a)] (1) in a municipality operating under a five-member council-mayor form or a six-member [city] or five-member council form of government [or a five-member council-manager form of government], three or more; or

[(b)] (2) in a seven-member [council-manager] council-mayor form of government, four or more.

~~[(2) The number of members of the legislative body of a municipality operating under a council-mayor form of government necessary to constitute a quorum is:]~~

~~[(a) for a five-member council-mayor form, three; and]~~

~~[(b) for a seven-member council-mayor form, four.]~~

Section 3. Section **10-3-507** is amended to read:

10-3-507. Minimum vote required.

(1) [(a)] The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the [governing] legislative body, unless otherwise prescribed by law, ~~[shall be a majority of the members of the quorum, but may never be less than:]~~ is the minimum number required for a quorum.

~~[(i) for a municipality operating under a five-member or six-member council form of government or a five-member council-manager form of government, three; or]~~

~~[(ii) for a municipality operating under a seven-member council-manager form of government, four.]~~

~~[(b) The minimum number of yes votes requires to pass an ordinance or resolution or to take an action by the legislative body of a municipality operating under a council-mayor form of government, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but may never be less than:]~~

~~[(i) for a five-member council-mayor form, three; and]~~

~~[(ii) for a seven-member council-mayor form, four.]~~

(2) (a) Any ordinance, resolution, or motion of the [governing] legislative body having fewer favorable votes than required in this section shall be considered defeated and invalid[; except].

(b) Notwithstanding Subsection (2)(a), a meeting may be adjourned to a specific time by a majority vote of the [governing] legislative body even though ~~[such]~~ the majority vote is less than that required in this section.

(3) A majority of the members of the [governing] legislative body, regardless of number, may fill any vacancy in the [governing] legislative body.

Section 4. Section **10-3-820** is amended to read:

10-3-820. Cities of the first and second class.

In cities of the first and second class, the mayor and each ~~[commissioner]~~ council member shall give a penal bond, with approved corporate surety, in the amount of not less than \$10,000 and the auditor shall give a penal bond with approved corporate surety in the sum of not less than \$20,000 conditioned for the faithful performance of the duties of their offices and payment of all monies received by them according to law and the ordinances of the city.

Section 5. Section **10-3-902** is amended to read:

10-3-902. City engineer required to be licensed.

~~[In cities of the first and second class the board of commissioners shall appoint a qualified person to each of the offices of recorder, treasurer, engineer and attorney, and may create any other office that may be deemed necessary for the government of the city, and regulate and prescribe the powers, duties and compensation of all officers of the city, except as otherwise provided by law. The]~~

Each person ~~[so]~~ appointed as city engineer shall be a registered professional engineer under Title 58, Chapter 22~~[- The board of commissioners may appoint all officers and agents as may be provided for by law or ordinances, and fill all vacancies occurring therein],~~
Professional Engineers and Professional Land Surveyors Licensing Act.

Section 6. Section **10-3a-101** is enacted to read:

CHAPTER 3a. FORMS OF MUNICIPAL GOVERNMENT

Part 1. General Provisions

10-3a-101. Title.

This chapter is known as "Forms of Municipal Government."

Section 7. Section **10-3a-102** is enacted to read:

10-3a-102. Definitions.

Section 8. Section **10-3a-103** is enacted to read:

10-3a-103. *.

(1) Subject to Subsection (2), each municipality shall operate under:

(a) the council-mayor form of government, with a five-member or seven-member council;

(b) the six-member council form of government; or

(c) the five-member council form of government.

(2) Unless it adopts another form of government under Part 5, Adopting Another Form of Municipal Government, each town shall operate under a five-member council form of government.

(3) A municipality retains the form of government under which it is operating unless it changes its form as provided in Part 5, Adopting Another Form of Municipal Government.

Section 9. Section **10-3a-104** is enacted to read:

10-3a-104. **Municipal council.**

Under each form of municipal government, the council:

(1) is the legislative body of the municipality and exercises the legislative powers and performs the legislative duties and functions of the municipality; and

(2) may:

(a) adopt rules and regulations, not inconsistent with state statute, for the efficient administration, organization, operation, conduct, and business of the municipality;

(b) require by ordinance that any or all appointed officers reside in the municipality;

(c) create any office that the council considers necessary for the government of the municipality;

(d) provide for filling a vacancy in an elective or appointive office; and

(e) perform any function specifically provided for by statute or necessarily implied by law.

Section 10. Section **10-3a-201** is enacted to read:

Part 2. Council-mayor Form of Municipal Government

10-3a-201. *.

The powers of municipal government in a municipality operating under the council-mayor form of municipal government are vested in two separate, independent, and

217 equal branches of municipal government consisting of:
218 (1) a council composed of five or seven members; and
219 (2) a mayor and, under the mayor's supervision, any executive or administrative
220 departments, divisions, and offices and any executive or administrative officers provided for by
221 municipal ordinance.

222 Section 11. Section **10-3a-202** is enacted to read:

223 **10-3a-202.** *.

224 The mayor in a municipality operating under the council-mayor form of municipal
225 government:

226 (1) is the chief executive and administrative officer of the municipality;
227 (2) exercises the executive and administrative powers and performs or supervises the
228 performance of the executive and administrative duties and functions of the municipality;

229 (3) shall:

230 (a) keep the peace and enforce the laws and ordinances of the municipality;

231 (b) execute the policies adopted by the council;

232 (c) appoint, with the council's advice and consent, a qualified person for each of the
233 following positions:

234 (i) recorder;

235 (ii) treasurer;

236 (iii) engineer; and

237 (iv) attorney.

238 (d) provide to the council, at intervals provided by ordinance, a written report to the
239 council setting forth:

240 (i) the amount of budget appropriations;

241 (ii) total disbursements from the appropriations;

242 (iii) the amount of indebtedness incurred or contracted against each appropriation,
243 including disbursements and indebtedness incurred and not paid; and

244 (iv) the percentage of the appropriations encumbered;

245 (e) inform the council of the condition and needs of the municipality;

246 (f) remit fines and forfeitures to the council at the council's next regular meeting after
247 the fines and forfeitures are collected;

248 (g) report to the council any release that the mayor grants under Subsection (4)(k); and
249 (h) perform each other duty;
250 (i) prescribed by this chapter; or
251 (ii) required by a municipal ordinance that is not inconsistent with this chapter;
252 (4) may:
253 (a) subject to budget constraints, appoint one or more administrative assistants to the
254 mayor;
255 (b) with the council's advice and consent and except as otherwise specifically limited
256 by statute, appoint:
257 (i) each department head of the municipality;
258 (ii) each statutory officer of the municipality; and
259 (iii) each member of a statutory commission, board, or committee of the municipality;
260 (c) dismiss any person appointed by the mayor;
261 (d) as provided in Section 10-3a-204, veto an ordinance, tax levy, or appropriation
262 passed by the council;
263 (e) exercise control of and supervise each executive or administrative department,
264 division, or office of the municipality;
265 (f) within the general provisions of statute and ordinance, regulate and prescribe the
266 powers and duties of each other executive or administrative officer or employee of the
267 municipality;
268 (g) attend each council meeting, take part in discussions, and freely give advice to the
269 council;
270 (h) appoint a budget officer to serve in place of the mayor to comply with Title 10,
271 Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Chapter 6, Uniform Fiscal
272 Procedures Act for Utah Cities, as the case may be;
273 (i) if necessary, call on residents of the municipality over the age of 21 years to assist in
274 enforcing state laws and municipal ordinances;
275 (j) at any reasonable time, examine and inspect the official books, papers, records, or
276 documents of the municipality or of any officer, employee, or agent of the municipality;
277 (k) release a person imprisoned for a violation of a municipal ordinance; and
278 (l) execute an agreement on behalf of the municipality, or delegate, by written

executive order, the authority to execute an agreement on behalf of the municipality:

(i) if the obligation under the agreement is within certified budget appropriations; and

(ii) subject to Section 10-6-138; and

(5) may not vote on any matter before the council.

Section 12. Section **10-3a-203** is enacted to read:

10-3a-203. *.

The council in a municipality operating under a council-mayor form of government may elect one of its members to be the chair of the council.

Section 13. Section **10-3a-204** is enacted to read:

10-3a-204. *.

(1) The council in each municipality operating under a council-mayor form of municipal government shall present to the mayor each ordinance, tax levy, and appropriation passed by the council.

(2) (a) The mayor in a municipality operating under a council-mayor form of municipal government may veto an ordinance or tax levy or all or any part of an appropriation passed by the council.

(b) If a mayor vetoes an ordinance or tax levy or all or any part of an appropriation, the mayor shall return the ordinance, tax levy, or appropriation to the council within 15 days after the council presents the ordinance, tax levy, or appropriation to the mayor, with a statement explaining the mayor's objections.

(3) At its next meeting following a mayor's veto under Subsection (2), the council shall reconsider the vetoed ordinance, tax levy, or appropriation.

(4) Each ordinance, tax levy, and appropriation passed by the council shall take effect after it has been recorded if:

(a) before it is recorded the mayor signs the ordinance, tax levy, or appropriation, approving it;

(b) the mayor fails to sign the ordinance, tax levy, or appropriation within fifteen days after the council presents the ordinance, tax levy, or appropriation to the mayor; or

(c) following a veto, the council reconsiders the ordinance, tax levy, or appropriation and passes it by a vote of at least two-thirds of all council members.

Section 14. Section **10-3a-301** is enacted to read:

Part 3. Six-member Council Form of Municipal Government

10-3a-301. *.

The powers of municipal government in a municipality operating under the six-member council form of municipal government are vested in a council consisting of six members, one of which is a mayor.

Section 15. Section **10-3a-302** is enacted to read:

10-3a-302. *.

(1) The mayor in a municipality operating under a six-member council form of municipal government:

(a) is, except as provided in Subsection (1)(b), a nonvoting member of the council;

(b) votes as a voting member of the council:

(i) on each matter for which there is a tie vote of the other council members present at a council meeting; or

(ii) when the council is voting on:

(A) whether to appoint or dismiss a municipal manager; or

(B) an ordinance that enlarges or restricts the mayor's powers, duties, or functions;

(c) is the chair of the council and presides at all council meetings;

(d) exercises ceremonial functions for the municipality;

(e) may not veto an ordinance, tax levy, or appropriation passed by the council;

(f) exercises the executive and administrative powers and performs or supervises the performance of executive and administrative duties and functions of the municipality, if and to the extent provided by municipal ordinance; and

(g) if delegated executive or administrative powers, duties, or functions, may, within budget constraints, appoint one or more administrative assistants to the mayor.

(2) (a) If the mayor is absent from a council meeting or is unable or refuses to act as chair at a council meeting, the council may elect a member of the council as mayor pro tempore to preside at the council meeting and to perform the duties and functions of mayor at the meeting.

(b) The municipal clerk or recorder shall enter in the minutes of the council meeting the election of a council member as mayor pro tempore under Subsection (2)(a).

Section 16. Section **10-3a-303** is enacted to read:

10-3a-303. *

The council in a municipality operating under a six-member council form of municipal government:

(1) exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the municipality, including the powers, duties, and functions stated in Section 10-3a-202, except:

(a) to the extent that those powers, duties, or functions are delegated to the mayor by municipal ordinance; and

(b) the power to veto under Subsection 10-3a-202(4)(d);

(2) may:

(a) subject to Subsection 10-3a-302(1)(b)(ii)(B), adopt an ordinance:

(i) delegating to the mayor any of the powers, duties, or functions of a mayor under a council-mayor form of municipal government under Section 10-3a-202, except the power to veto an ordinance, tax levy, or appropriation passed by the council; or

(ii) removing from the mayor any power, duty, or function previously delegated to the mayor by municipal ordinance;

(b) subject to Subsection 10-3a-302(1)(b)(ii)(A):

(i) appoint a manager to perform executive and administrative duties or functions that the council by ordinance delegates to the manager, subject to Subsection (3); and

(ii) dismiss a manager appointed under Subsection (2)(b)(i); and

(c) assign any or all council members, including the mayor, to supervise one or more administrative departments of the municipality; and

(3) may not delegate to a manager appointed by the council:

(a) any of the mayor's legislative or judicial powers or ceremonial functions;

(b) the mayor's position as chair of the council; or

(c) any ex officio position that the mayor holds.

Section 17. Section **10-3a-401** is enacted to read:

Part 4. Five-member Council Form of Municipal Government**10-3a-401. ***

The powers of municipal government in a municipality operating under the five-member council form of municipal government are vested in a council consisting of five

372 members, one of which is a mayor.

373 Section 18. Section **10-3a-402** is enacted to read:

374 **10-3a-402.** *.

375 (1) The mayor in a municipality operating under a five-member council form of
376 municipal government:

377 (a) is a regular and voting member of the council;

378 (b) is the chair of the council and presides at all council meetings;

379 (c) exercises ceremonial functions for the municipality; and

380 (d) may not veto any ordinance, tax levy, or appropriation passed by the council.

381 (2) (a) If the mayor is absent from a council meeting or is unable or refuses to act as
382 chair at a council meeting, the council may elect another member of the council as mayor pro
383 tempore to preside at the council meeting and to perform the duties and functions of mayor at
384 the meeting.

385 (b) The municipal clerk or recorder shall enter in the minutes of the council meeting
386 the election of a council member as mayor pro tempore under Subsection (2)(a).

387 Section 19. Section **10-3a-403** is enacted to read:

388 **10-3a-403.** *.

389 The council in a municipality operating under a five-member council form of municipal
390 government:

391 (1) exercises the executive and administrative powers and performs or supervises the
392 performance of the executive and administrative duties and functions of the municipality,
393 including the powers, duties, and functions stated in Section 10-3a-202, except the power to
394 veto under Subsection 10-3a-202(4)(d); and

395 (2) may:

396 (a) appoint a manager to perform executive and administrative duties or functions that
397 the council by ordinance delegates to the manager, subject to Subsection (3); and

398 (b) dismiss a manager appointed under Subsection (2)(a); and

399 (c) assign any or all council members, including the mayor, to supervise one or more
400 administrative departments of the municipality;

401 (3) may not delegate to a manager appointed by the council:

402 (a) any of the mayor's legislative or judicial powers or ceremonial functions;

(b) the mayor's position as chair of the council; or

(c) any ex officio position that the mayor holds.

Section 20. Section **10-3a-501** is enacted to read:

Part 5. Adopting Another Form of Municipal Government

10-3a-501. *

As provided in this part, a municipality may change from the form of government under which it operates to:

(1) the council-mayor form of government with a five-member council

(2) the council-mayor form of government with a seven-member council;

(3) the six-member form of government; or

(4) the five-member form of government.

Section 21. Section **10-3a-502** is enacted to read:

10-3a-502. *

(1) A municipality may not change its form of government under this part unless voters approve the change at an election held for that purpose.

(2) (a) Subject to Subsection (3), the legislative body of a municipality shall hold an election on a proposal to change the municipality's form of government under this part:

(i) if:

(A) the municipal legislative body adopts a resolution proposing a change; or

(B) a petition is filed, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives - Procedure, proposing a change; and

(ii) within twelve months after:

(A) for a resolution adopted under Subsection (2)(a)(i)(A), adoption of a resolution; or

(B) for an initiative petition filed under Subsection (2)(a)(i)(B), the petition is declared sufficient under Section 20A-7-507.

(b) Each resolution adopted under Subsection (2)(a)(i)(A) or petition filed under Subsection (2)(a)(i)(B) shall:

(i) state the number, method of election, and initial terms of council members; and

(ii) specify the boundaries of districts substantially equal in population, if some or all council members are to be elected by district.

(3) A resolution may not be adopted under Subsection (2)(a)(i)(A) and a petition may

434 not be filed under Subsection (2)(a)(i)(B) within:

435 (a) two years after an election at which voters reject a proposal to change the
436 municipality's form of government, if the resolution or petition proposes changing to the same
437 form of government that voters rejected at the election; or

438 (b) four years after the effective date of a change in the form of municipal government.

439 (4) The ballot at an election on a proposal to change the municipality's form of
440 government shall:

441 (a) state the ballot question substantially as follows: "Shall (state the municipality's
442 name), Utah change its form of government to the (state "council-mayor form, with a
443 five-member council," "council-mayor form, with a seven-member council," "six-member
444 council form," or "five-member council form," as applicable)?"; and

445 (b) provide a space or method for the voter to vote "yes" or "no."

446 Section 22. Section **10-3a-503** is enacted to read:

447 **10-3a-503.**

448

449 Section 23. **Repealer.**

450 This bill repeals:

451 Section **10-3-101, Governing body -- Legislative and executive powers.**

452 Section **10-3-102, Governing body -- Other functions.**

453 Section **10-3-106, Governing body in towns.**

454 Section **10-3-207, Determining two and four year terms.**

455 Section **10-3-403, Mayor as presiding officer -- Mayor pro tempore.**

456 Section **10-3-404, No veto.**

457 Section **10-3-801, Administrative powers in cities of the first class.**

458 Section **10-3-802, Designation of department head in cities of the first class.**

459 Section **10-3-803, Officers limited to one office -- Exceptions.**

460 Section **10-3-804, Change in names, functions and superintendents of departments.**

461 Section **10-3-805, Administrative powers in cities of the second class.**

462 Section **10-3-806, Designation of department head in cities of the second class.**

463 Section **10-3-807, Commissioners may administer two departments -- Change in**

464 **names, functions and superintendents.**

465 Section **10-3-808, Administration vested in mayor.**

466 Section **10-3-809, Powers of mayors in a city of third, fourth, or fifth class or a**
467 **town.**

468 Section **10-3-811, Members of the governing body may be appointed to**
469 **administration in a city of the third, fourth, or fifth class or a town.**

470 Section **10-3-812, Change of duties in a city of the third, fourth, or fifth class or a**
471 **town.**

472 Section **10-3-813, General administrative powers of all municipalities.**

473 Section **10-3-814, Personnel assigned to one or more departments.**

474 Section **10-3-815, Rules and regulations for administration of municipality.**

475 Section **10-3-816, Appointed officers -- Residency requirement authorized.**

476 Section **10-3-817, Elected executives to appoint their deputies.**

477 Section **10-3-830, Appointment of city or town manager.**

478 Section **10-3-901, Creating offices -- Filling vacancies.**

479 Section **10-3-1201, Citation of act.**

480 Section **10-3-1202, Legislative finding.**

481 Section **10-3-1203, Election requirements and procedure for organization under**
482 **different form of government.**

483 Section **10-3-1204, Application of act.**

484 Section **10-3-1205, Rights, powers, and duties of municipality operating under**
485 **optional form.**

486 Section **10-3-1206, Limitation on changing form of government.**

487 Section **10-3-1207, Disapproval of optional form by voters -- Limitation on**
488 **resubmission.**

489 Section **10-3-1208, Election of officers -- When new government operative --**
490 **Compensation of officials without position in new government.**

491 Section **10-3-1210, Functions of the council.**

492 Section **10-3-1211, Council members -- Qualifications -- Terms of office.**

493 Section **10-3-1212, Meetings of council -- Access to records.**

494 Section **10-3-1213, Chairmen of councils -- Power to call witnesses and administer**

495 oath -- Quorum -- Voting procedure.

496 Section 10-3-1214, Ordinance adoption under council-mayor form -- Powers of
497 mayor.

498 Section 10-3-1215, Rules and regulations for government of council.

499 Section 10-3-1216, Council members elected from districts -- Boundary --
500 Adjustments.

501 Section 10-3-1217, Limitations on actions and authority of council members --

502 Investigatory committees.

503 Section 10-3-1218, Vacancy in council.

504 Section 10-3-1219, Council-mayor form -- Powers and duties of mayor.

505 Section 10-3-1219.5, Council-mayor form -- Ordinances on transfer of municipal
506 property and regulation of subdivisions or annexations.

507 Section 10-3-1220, Council-mayor form -- Appointment of chief administrative
508 officer.

509 Section 10-3-1221, Municipal administrative code in council-mayor form.

510 Section 10-3-1222, Council-mayor form -- Vacancy in office of mayor.

511 Section 10-3-1223, Council-manager form -- Election and powers and duties of
512 mayor.

513 Section 10-3-1224, Council-manager form -- Appointment of municipal manager.

514 Section 10-3-1225, Manager -- Removal from office.

515 Section 10-3-1226, Manager -- Powers and duties.

516 Section 10-3-1227, Municipal administrative code in council-manager form.

517 Section 10-3-1228, Manager -- Working time and compensation.